EXHIBIT 1

ase 2:21-cv-00163-Z Document 61-1 Filed 09/09/22 Page 2 of 4 PageID 973

ISSUE_JOINED,JURY_TRIAL

Live Database U.S. District Court - Eastern District of Tennessee (Chattanooga) CIVIL DOCKET FOR CASE #: 1:21-cv-00195-TRM-SKL

American College of Pediatricians et al v. Becerra et al Assigned to: District Judge Travis R McDonough Referred to: Magistrate Judge Susan K Lee Cause: 05:702 Administrative Procedure Act

Plaintiff

American College of Pediatricians on behalf of its members

Plaintiff

Catholic Medical Association

Plaintiff

Jeanie Dassow, M.D.

Date Filed: 08/26/2021 Jury Demand: Plaintiff Nature of Suit: 899 Other Statutes: Administrative Procedures Act/Review or Appeal of Agency Decision Jurisdiction: U.S. Government Defendant

represented by Anthony J Biller
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Jonathan Scruggs (See above for address) ATTORNEY TO BE NOTICED

Defendant

Xavier Becerra in his official capacity as Secretary of the United States Department of Health and Human Services

represented by Jeremy S.B. Newman
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Jordan Von Bokern
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TERMINATED: 05/05/2022
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Defendant

United States Department of Health and Human Services

represented by **Jeremy S.B. Newman**(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jordan Von Bokern (See above for address) TERMINATED: 05/05/2022 LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant

in her official capacity as Acting Director and Principal Deputy of the Office for Civil Rights of the U.S. Department of Health and Human Services
TERMINATED: 11/10/2021

Defendant

Office for Civil Rights of the U.S. Department of Health and Human Services

represented by **Jeremy S.B. Newman**(See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*

represented by **Jeremy S.B. Newman**(See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*

Jordan Von Bokern (See above for address) TERMINATED: 05/05/2022 LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant

Lisa J. Pino
in her official capacity as Director of the Office for Civil Rights of dthe U.S. Department of Health and Human
Services

represented by **Jeremy S.B. Newman**(See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*

Jordan Von Bokern (See above for address) TERMINATED: 05/05/2022 LEAD ATTORNEY ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text | | | |
|------------|-----------|---|--|--|--|
| 08/26/2021 | 1 | COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ATNEDC-4826494.), filed by American College of Pediatricians, Jeanie Dassow, Catholic Medical Association. (Attachments: # 1 Other Civil Cover Sheet, # 2 Summons for Xavier Becerra, # 3 Summons for United States Department of Health and Human Services, # 4 Summons for Robinsue Frobboses, # 5 Summons for Office for Civil Rights of the U.S. Department of Health and Human Services, # 6 Other Corporate Disclosure Statement of American College of Pediatricians, # 7 Other Corporate Disclosure Statement of Catholic Medical Association)(Scruggs, Jonathan) (Entered: 08/26/2021) | | | |
| 08/26/2021 | 2 | Certificate of Corporate Interest by Catholic Medical Association. (BJL) (Entered: 08/31/2021) | | | |
| 08/26/2021 | 3 | Certificate of Corporate Interest by American College of Pediatricians. (BJL) Modified on 9/1/2021 (BJL), (Entered: 08/31/2021) | | | |
| 08/26/2021 | | District Judge Katherine A Crytzer and Magistrate Judge Susan K Lee added. (BJL) (Entered: 08/31/2021) | | | |
| 08/31/2021 | 4 | NOTICE of Deficiency (Pro Hac) (BJL)*Mailed to Attorneys Julie Blake, Anthony Biller and Ryan Bangert (Entered: 08/31/2021) | | | |
| 08/31/2021 | 5 | Summons Issued as to All Defendants (BJL) (Entered: 08/31/2021) | | | |
| 08/31/2021 | 6 | Order Governing Depositions, Signed by District Judge Katherine A Crytzer on 8/31/2021. (BJL) (Entered: 08/31/2021) | | | |
| 08/31/2021 | 7 | Order Governing Motions To Dismiss, Signed by District Judge Katherine A Crytzer on 8/31/2021. (BJL) (Entered: 08/31/2021) | | | |
| 08/31/2021 | _ | | | | |
| 09/08/2021 | 9 | MOTION for Leave to Appear Pro Hac Vice for Attorney Ryan L. Bangert (Filing fee \$ 90.00, Receipt No. C1818571) by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (BJL) (Additional attachment(s) added on | | | |
| 09/08/2021 | 10 | 9/8/2021: #1 Other Receipt) (BJL), (Entered: 09/08/2021) MOTION for Leave to Appear Pro Hac Vice for Attorney Julie M Blake (Filing fee \$ 90.00, Receipt NO C1818571) by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (Attachments: #1 Receipt)(BJL) Modified on | | | |
| | 10 | 9/8/2021 (BJL). (Entered: 09/08/2021) | | | |
| 09/08/2021 | | Clerk's Verification of PHV Requirements is complete regarding document: 2 MOTION for Leave to Appear Pro Hac Vice (Filing fee \$ 90.) filed by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, M.D., 10 MOTION for Leave to Appear Pro Hac Vice (Filing fee \$ 90.) filed by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, M.D. (BJL) (Entered: 09/08/2021) | | | |
| 09/13/2021 | 11 | ORDER OF RECUSAL.Signed by District Judge Katherine A Crytzer on 9/13/21. (ABF) Modified on 9/14/2021 (BJL). Copy sent via email to Chief Judge McDonough's Chambers. (Entered: 09/13/2021) | | | |
| 09/14/2021 | <u>12</u> | ORDER REASSIGNING CASE. District Judge Katherine A Crytzer no longer assigned to case. Case reassigned to District Judge Thomas A Varlan for all further proceedings. Signed by District Judge Travis R McDonough on 9/14/2021. (BJL) Modified on 9/14/2021 (BJL).*Mailed to Attorneys Julie M. Blake and Ryan L Bangert. (Entered: 09/14/2021) | | | |
| 09/14/2021 | 13 | ORDER granting 2 Motion for Leave to Appear Pro Hac Vice by Attorney Ryan L. Bangert on behalf of Plaintiffs American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. This entry constitutes the complete Order of the Court. There is no document attached to this entry. You MUST register as an E-Filer here: https://pacer.psc.uscourts.gov/pscof/regWizard.jsf . Signed by Magistrate Judge Susan K Lee on 09/14/2021. (KRS) Modified on 9/15/2021 (BJL). Mailed to Attorney Ryan L. Bangert. (Entered: 09/14/2021) | | | |
| 09/14/2021 | 14 | ORDER granting 10 Motion for Leave to Appear Pro Hac Vice by Attorney Julie Marie Blake on behalf of Plaintiffs American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. This entry constitutes the complete Order of the Court. There is no document attached to this entry. You MUST register as an E-Filer here: https://pacer.psc.uscourts.gov/psco/fregWizard.jsf . Signed by Magistrate Judge Susan K Lee on 09/14/2021. (KRS) Modified on 9/15/2021 (BJL). "Mailed to Attorney Julie Marie Blake (Entreed: 09/14/2021) | | | |
| 11/10/2021 | <u>15</u> | 5 AMENDED COMPLAINT by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD (Attachments: # 1 Exhibit 1 - Declaration of Dr. Van Meter, # 2 Exhibit 2 - Declaration of Mr. Dickerson, # 3 Exhibit 3 - Declar of Dr. Dassow, # 4 Summons for Avier Becerra, # 5 Summons for Merrick Garland, # 6 Summons for Francis Hamilton, # 2 Summons for Office for Civil Rights, # 8 Summons for Lisa Pino, # 9 Summons for Department of HHS/(Scruggs, Jonat Modified Docket Text on 11/12/2021 (BI).) (Entered: 11/10/2021) | | | |
| 11/12/2021 | <u>16</u> | Summons Issued as to All Defendants (including the US Attorney's Office and the Office of the US Attorney General) (Attachments: #1 Becerra, #2 Garland, #3 Pino, #4 Office of Civil Rights)(BJL) Modified on 11/12/2021 (BJL). Modified text on 11/12/2021 (BJL). (Entered: 11/12/2021) | | | |
| 11/12/2021 | 17 | Summons Issued as to United States Department of Health and Human Services (BJL) (Entered: 11/12/2021) | | | |
| 11/19/2021 | 18 | SUMMONS Returned Executed by Jeanie Dassow, MD, Catholic Medical Association, American College of Pediatricians. Xavier Becerra served on 11/15/2021. (Scruggs, Jonathan) (Entered: 11/19/2021) | | | |
| 11/19/2021 | 19 | SUMMONS Returned Executed by Jeanie Dassow, MD, Catholic Medical Association, American College of Pediatricians. Lisa J. Pino served on 11/15/2021. (Scruggs, Jonathan) (Entered: 11/19/2021) | | | |
| 11/19/2021 | 20 | SUMMONS Returned Executed by Jeanie Dassow, MD, Catholic Medical Association, American College of Pediatricians. United States Department of Health and Human Services served on 11/15/2021. (Scruggs, Jonathan) (Entered: 11/19/2021) | | | |
| 11/19/2021 | <u>21</u> | SUMMONS Returned Executed by Jeanie Dassow, MD, Catholic Medical Association, American College of Pediatricians. Office for Civil Rights of the U.S. Department of Health and Human Services served on 11/15/2021. (Scruggs, Jonathan) (Entered: 11/19/2021) | | | |
| 11/19/2021 | 22 | AFFIDAVT of Service for Summons served on USA via US Attorney General Merrick Garland on 11/15/2021, filed by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (Scruggs, Jonathan) (Entered: 11/19/2021) | | | |
| 11/19/2021 | 23 | AFFIDAVIT of Service for Summons served on USA via Acting U.S. Attorney Eastern District of Tenn. F. (Trey) Hamilton on 11/15/2021, filed by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (Scruggs, Jonathan) (Entered: 11/19/2021) | | | |
| 12/06/2021 | 24 | NOTICE of Appearance by Matthew S. Bowman on behalf of All Plaintiffs (Bowman, Matthew) (Entered: 12/06/2021) | | | |
| 01/07/2022 | 25 | NOTICE of Appearance by Jordan Von Bokern on behalf of All Defendants (Von Bokern, Jordan) (Entered: 01/07/2022) | | | |
| 01/07/2022 | 26 | Consent MOPICON for Leave to File Excess Pages and Set Deadlines by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (Bowman, Matthew) (Entered: 01/07/2022) | | | |
| 01/07/2022 | 27 | MOTION for Summary Judgment (Partial Summary Judgment) by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (Attachments: # 1 Brief in Support of Motion for Partial Summary Judgment) (Bowman, Matthew) | | | |
| | | (Entered: 01/07/2022) | | | |
| 01/14/2022 | 28 | MOTION to Stay or Deny as Premature Plaintiffs' Early Motion for Summary Judgment by Xavier Becerra, Office for Civil Rights of the U.S. Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services, Lisa | | | |
| 01/18/2022 | <u>29</u> | Administrative Notice to Counsel RE 28 MOTION to Stay or Deny as Premature Plaintiffs' Early Motion for Summary Judgment: requirements due by 1/20/2022. (BJL) (Entered: 01/18/2022) | | | |
| 01/18/2022 | <u>30</u> | DISREGARD - FILED IN ERROR (Attorney will refile under corrected event code) MOTION for Admission to Practice by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (Attachments: #1 Other Certificate of Good Standing)(Biller, Anthony) Modified on 1/18/2022 (AML). (Entered: 01/18/2022) | | | |
| 01/18/2022 | 31 | MOTION for Leave to Appear Pro Hac Vice (Filing fee \$ 90 receipt number ATNEDC-4948139.) by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (Attachments: # 1 Other Certificate of Good Standing)(Biller, Anthony) (Entered: 01/18/2022) | | | |
| 01/18/2022 | 32 | MEMORANDUM in Support of Motion re 28 MOTION to Stay or Deny as Premature Plaintiffs' Early Motion for Summary Judgment filed by Xavier Becerra, Office for Civil Rights of the U.S. Department of Health and Human Services, Lisa J. Pino, | | | |

| 01/19/2022 | 33 | United as Sear Rep 2 1 tem CN 1 + 00 1 6 3 x Zehmen DOG by Mond to 6 1 s. 1 see v. Filed E 0 9 / 0 9 / 12 2 Prolim Prog Good Aron to fixed Jorda Proda Proda W 20 9 7 5 NOTICE of Deficiency (Pro Hac) 11 MOTION for Leave to Appear Pro Hac Vice for Attorney Anthony Biller. * Please file, as a supplement, a certificate of good standing from another district court. (BIL) (Entered: 01/19/2022) | | | |
|------------|-----------|--|--|--|--|
| 01/19/2022 | 34 | | | | |
| 01/20/2022 | 34 | SUPPLEMENT to 31 MOTION for Leave to Appear Pro Hac Vice (Filing fee \$ 90 receipt number ATNEDC-4948139.) by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (Biller, Anthony) (Entered: 01/19/2022) | | | |
| 01/20/2022 | | Clerk's Verification of PHV Requirements is complete regarding document: 31 MOTION for Leave to Appear Pro Hac Vice (Filing fee \$ 90 receipt number ATNEDC-4948139.) filed by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, M.D. (BJL) (Entered: 01/20/2022) | | | |
| 01/21/2022 | 35 | RESPONSE in Opposition re 28 MOTION to Stay or Deny as Premature Plaintiffs' Early Motion for Summary Judgment filed by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (Bowman, Matthew) (Entered 01/21/2022) | | | |
| 01/24/2022 | 36 | ORDER granting 31 Motion for Leave to Appear Pro Hac Vice by Attorney Anthony J. Biller on behalf of Plaintiffs American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. This entry constitutes the complete Order of Court. There is no document attached to this entry. You MUST register as an E-Filer here: https://pacer.psc.uscourts.gov/pscof/reg/Vizard.jgf . Signed by Magistrate Judge Susan K Lee on 1/24/2022. (KRS) (Entered: 01/24/2022) | | | |
| 04/20/2022 | 37 | VACATED pursuant to 46 ORDER SCHEDULING ORDER: Jury Trial set for 6/27/2023 09:00 AM in Courtroom 4 - Knoxville before District Judge Thomas A Varlan. Final Pretrial Conference set for 6/20/2023 02:00 PM in Courtroom 4 - Knox before District Judge Thomas A Varlan. Signed by District Judge Thomas A Varlan on 4/20/222. (JBR) Modified on 7/6/2022 (BJL). (Entered: 04/20/2022) | | | |
| 04/22/2022 | 38 | NOTICE of Appearance by Jeremy S.B. Newman on behalf of All Defendants (Newman, Jeremy) (Entered: 04/22/2022) | | | |
| 05/05/2022 | 39 | Notice of Attorney Withdrawal Attorney Jordan Von Bokern terminated. (Von Bokern, Jordan) (Entered: 05/05/2022) | | | |
| 05/16/2022 | 40 | 2 See 42 for correct filing-STATUS REPORT Joint Discovery Plan Report by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (Bowman, Matthew) Modified on 5/19/2022 (BJL). (Entered: 05/16/2022) | | | |
| 05/17/2022 | 41 | Administrative Notice to Counsel re 40 Status Report: requirement due by 5/23/2022. (BJL) (Entered: 05/17/2022) | | | |
| 05/17/2022 | <u>42</u> | REPORT of Rule 26(f) Planning Meeting. (Bowman, Matthew) (Entered: 05/17/2022) | | | |
| 06/24/2022 | <u>43</u> | ORDER OF RECUSAL.Signed by District Judge Thomas A. Varlan on 6/24/22. (ADA) (Entered: 06/24/2022) | | | |
| 06/28/2022 | 44 | ORDER REASSIGNING CASE. District Judge Thomas A Varlan no longer assigned to case Case reassigned to Chief District Judge Travis R McDonough for all further proceedings. Signed by Chief District Judge Travis R McDonough on 6/28/2022. (BJL) (Entered: 06/28/2022) | | | |
| 06/30/2022 | 45 | TEXT ORDER A Telephonic Status Conference is set for 7/12/2022 at 01:30 PM before District Judge Travis R. McDonough. Dial-in instructions will be circulated via email. Signed by District Judge Travis R. McDonough on 06/30/2022. (ACC (Entered: 06/30/2022) | | | |
| 07/05/2022 | <u>46</u> | GORDER: This case was reassigned to the undersigned on June 28, 2022, following prior recusals. (Doc. 44.) In light the reassignment, the Court hereby VACATES the scheduling order (Doc. 37.). Accordingly, the Court will DENY WITH LEAV REFILE the Plaintiffs' motion for leave to file excess pages (Doc. 26.), as well as their motion for partial summary judgment (Doc. 27.) Plaintiffs motion for partial summary judgment with leave to refile, it will DENY AS MOOT Defendants mot stay or deny as premature Plaintiffs' early motion for summary judgment (Doc. 28.). Therefore, the Court also DENIES the motion (Doc. 26.) with respect to the requested deadlines, and Defendants are hereby ORDERED to serve a responsive plet later than fourteen days from the entry of this order, in accordance with Federal Rule of Civil Procedure 12(a)(4)(A). Signed by District Judge Travis R McDonough on 71/2022. (BIL) (Entered: 07/05/2022) | | | |
| 07/07/2022 | 47 | United States Department of Health and Human Services, Lisa United States Department of Health and Human Services, Comparison of Health and Human Services, Lisa United States Department of Health and Human Services. (Newman, Jeremy) (Entered: 07/07/2022) | | | |
| 07/12/2022 | | Minute Entry for proceedings held before District Judge Travis R McDonough: Scheduling Conference held on 7/12/2022. (No Court Reporter/No Courtroom Deputy) (BJL) (Entered: 07/13/2022) | | | |
| 07/13/2022 | 48 | [Please disregard] see 50 SCHEDULING ORDER: Oral Argument set for 10/7/2022 09:00 AM in Courtroom 3 - Chattanooga before District Judge Travis R McDonough. Signed by District Judge Travis R McDonough on 7/13/2022. (BJL) Mc7/19/2022 (BJL). (Entered: 07/13/2022) | | | |
| 07/15/2022 | <u>49</u> | ORDER granting 47 Motion for Leave to File Excess Pages. Signed by District Judge Travis R McDonough on 7/15/2022. (AWS) (Entered: 07/15/2022) | | | |
| 07/19/2022 | <u>50</u> | SCHEDULING ORDER: Oral Argument set for 10/27/2022 09:00 AM in Courtroom 3 - Chattanooga before District Judge Travis R McDonough. Dispositive Motion Hearing (if the Court deems necessary) set for 4/24/2023 09:00 AM in Courtroom 3 - Chattanooga before District Judge Travis R McDonough. Signed by District Judge Travis R McDonough on 7/19/2022. (BJL) (Entered: 07/19/2022) | | | |
| 07/19/2022 | 51 | MOTION to Dismiss for Lack of Jurisdiction First Amended Complaint by Xavier Becerra, Office for Civil Rights of the U.S. Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services. (Newman, Jeremy) (Entered: 07/19/2022) | | | |
| 07/19/2022 | <u>52</u> | MEMORANDUM in Support of Motion re 51 MOTION to Dismiss for Lack of Jurisdiction First Amended Complaint filed by Xavier Becerra, Office for Civil Rights of the U.S. Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services. (Newman, Jeremy) (Entered: 07/19/2022) | | | |
| 07/20/2022 | 53 | ORDER: The parties are ordered to confer and return the attached form within the time provided. Signed by District Judge Travis R McDonough on 7/20/2022. (Attachments: #1 Notice of Consent/Non Consent) (BJL) (Entered: 07/20/2022) | | | |
| 08/08/2022 | <u>54</u> | NOTICE OF NONCONSENT to Magistrate by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD (Bowman, Matthew) (Entered: 08/08/2022) | | | |
| 08/18/2022 | <u>55</u> | RESPONSE in Opposition re 🗓 MOTION to Dismiss for Lack of Jurisdiction First Amended Complaint filed by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD. (Bowman, Matthew) (Entered: 08/18/2022) | | | |
| 08/27/2022 | <u>56</u> | NOTICE by American College of Pediatricians, Catholic Medical Association, Jeanie Dassow, MD re 51 MOTION to Dismiss for Lack of Jurisdiction First Amended Complaint, notice of supplemental authority (Bowman, Matthew) (Entered: 08/27/2022) | | | |
| 08/31/2022 | <u>57</u> | REPLY to Response to Motion re 51 MOTION to Dismiss for Lack of Jurisdiction First Amended Complaint filed by Xavier Becerra, Office for Civil Rights of the U.S. Department of Health and Human Services, Lisa J. Pino, United States Department of Health and Human Services. (Newman, Jerony) (Entered: 08/31/2022) | | | |

| PACER Service Center Transaction Receipt | | | | | | | |
|---|---------------|---------------------|---------------------------|--|--|--|--|
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| PACER Login: | genephamilton | Client Code: | afl | | | | |
| Description: | Docket Report | Search Criteria: | 1:21-cv-00195-TRM- SKL | | | | |
| Billable Pages: | 9 | Cost: | 0.90 | | | | |